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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

SIERRA CLUB, GREAT BASIN
RESOURCE WATCH, AMIGOS
BRAVOS, and IDAHO CONSERVATION
LEAGUE,

Plaintiffs,

v.

STEPHEN L. JOHNSON, Administrator
United States Environmental Protection
Agency, and MARY E. PETERS,
Secretary, United States Department of
Transportation,

Defendants.

Case No.: 3:08-cv-01409-WHA

**DEFENDANTS' RESPONSE TO MOTION
TO INTERVENE FILED BY SUPERFUND
SETTLEMENTS PROJECT, RCRA
CORRECTIVE ACTION PROJECT, AND
AMERICAN PETROLEUM INSTITUTE**

Defendant, Stephen L. Johnson, in his official capacity as Administrator of the United States Environmental Protection Agency, and Mary E. Peters, in her official capacity as Secretary of the United States Department of Transportation (collectively "Defendants"), in response to the Motion to Intervene filed by Superfund Settlements Project, RCRA Corrective Action Project, and American Petroleum Institute (collectively, the "Proposed Intervenor"), state that Defendants take no position on the Motion to Intervene filed by the Proposed Intervenor, except that Defendants state that they

1 do not accept any liability for fees and costs related to time spent on issues raised by the Proposed
2 Intervenor.

3 Dated: May 1, 2008

Respectfully submitted,

4 RONALD J. TENPAS
5 Assistant Attorney General
6 Environment and Natural Resources Division

7 /s/
MARTIN F. McDERMOTT, Attorney
United States Department of Justice

8 Of Counsel:

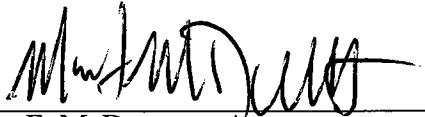
9 MARY GLEAVES
10 Office of General Counsel
11 U.S. Environmental Protection Agency
12 Pesticides and Toxic Substances Law Office
13 Ariel Rios Building,
14 1200 Pennsylvania Avenue, N.W.
15 Washington, D.C. 20460

16 THOMAS MAHONEY

17 United States Department of Transportation
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CERTIFICATE OF SERVICE

I hereby certify that on May 1, 2008 a copy of the foregoing DEFENDANTS' RESPONSE TO MOTION TO INTERVENE was filed electronically. Notice of this filing will be sent to counsel of record by operation of the Court's electronic filing system.

A handwritten signature in black ink, appearing to read "Martin F. McDermott", is written over a horizontal line.

Martin F. McDermott, Attorney